

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN RE: STRYKER REJUVENATE AND  
ABG II HIP IMPLANT PRODUCTS  
LIABILITY LITIGATION

MDL No. 13-2441 (DWF/DJF)

This Document Relates to:

Mary F. Holly,

Plaintiff,

v. Civil No. 13-1637 (DWF/DJF)

Howmedica Osteonics d/b/a Stryker  
Orthopaedics, Stryker Corp., Stryker Sales  
Corporation and Stryker Ireland Limited,

Defendants.

**ORDER OF DISMISSAL**

In further management of *In Re: Stryker Rejuvenate and ABG II Hip Implant Products Liability Litigation* (MDL No. 13-2441), the Court has entered prior Registration Orders commencing in 2014 requiring law firms and *pro se* litigants in this MDL to identify and register their cases, including product identification information, by certain dates. The Registration Orders have noted that failure to timely comply with the registration obligations will subject non-compliant parties and counsel to penalties at the Court's discretion.

Also, as part of the management of this MDL docket, the Court has entered certain Orders requiring status reports from lead counsel and the good faith cooperation of all

counsel and claimants with pending unresolved MDL cases for purposes of such status reports.

Through the docket review process and status update activities, the Court is aware of the above captioned *Mary F. Holly, et al.* case (Civil No. 13-1637), which was filed in 2013 and remains pending in this MDL: *In Re: Stryker Rejuvenate and ABG II Hip Implant Products Liability Litigation* (MDL No. 13-2441). The Court notes the following regarding the above captioned *Holly* case specifically:

1. Plaintiff Mary F. Holly, through her prior counsel, filed this case on March 8, 2013 in the United States District Court for the Southern District of West Virginia. On May 15, 2013, before issuance of a summons and before service on defendant and prior to transfer of the case to this MDL Court, prior counsel for plaintiff filed a motion to withdraw as counsel. On June 11, 2013, an Order was entered in the Southern District of West Virginia granting prior counsel's motion to withdraw. In that Order, the court noted that prior to granting counsel's motion, the Clerk of the Court in the Southern District of West Virginia had provided written notice of the motion directly to Plaintiff Holly requiring a response and noting that failure to respond may result in dismissal of the action. Despite confirmation of receipt of the notice of potential withdrawal of counsel and dismissal of the action, Plaintiff Holly did not respond. In the June 11, 2013 Order, the court further noted that notice was provided to Plaintiff Holly that she was being given one final opportunity to declare her intentions respecting the prosecution of the action by way of an Order to show cause requiring a written response by June 25, 2013, why the action should not be dismissed without prejudice. No

response was provided by the June 25, 2013 deadline, and no communications have been provided by Plaintiff Holly to this MDL Court.

2. Also, Plaintiff Holly has not complied with any of the various mandatory registration orders entered by this Court during the pendency of this MDL (2014, 2016 and 2020), including failure to confirm product identification.

3. It appears that Plaintiff Mary F. Holly is deceased since January 2020.

Accordingly, the Court orders as follows:

**IT IS HEREBY ORDERED** that:

The captioned *Mary F. Holly v. Howmedica Osteonics Corp., et al.* matter (Civil No. 13-1637; MDL No. 13-2441) is hereby **DISMISSED WITHOUT PREJUDICE** and without fees or costs to any party.

Dated: November 12, 2025

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge